

Chair Boyle called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present.

GENERAL ADMINISTRATION

Notice was duly published July 8, 2003, on Page 6 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held July 15, 2003, at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, July 15, 2003:

FC-1312 Commission Hearing Room, Lincoln.
1:00 Michael J. Haller, Jr., Omaha, vs. Qwest, Denver, Colorado, alleging unsatisfactory business practices. Commissioner Rod Johnson chairing.

Wednesday, July 16, 2003:

9:30 Commission Library - Information Only
NEDP Vendor Demonstration

B-1617 City Council Chambers, City Hall, 612 D Street, Fairbury.
10:00 Spencer M. Fentress, dba Fairbury Taxi, Fairbury, seeking to acquire, through transfer, the authority granted to Murvel LeRoy Fentress and Spencer M. Fentress, a partnership, dba Fairbury Taxi, in Certificate B-1499 and to extend its operation between points in Jefferson County and between points in Jefferson County and points in Nebraska over irregular routes. All trips to originate or terminate in Jefferson County. Commissioner Rod Johnson chairing.

Thursday, July 17, 2003:

C-2932 Commission Hearing Room, Lincoln.
10:30 NPCR, Inc., d/b/a Nextel Partners, Eden Prairie, Minnesota, seeking designation as an eligible telecommunications carrier that may receive universal service support. Commissioner Boyle chairing.

COMMUNICATIONS DEPARTMENT

Commissioner Boyle introduced Don Gray who has joined the Commission in the Communications Department as Telecommunications Technician.

COMMUNICATIONS DEPARTMENT (Cont.)

SC-004 In the Matter of Maurice Gene Hand, Director, Communications Department, Nebraska Public Service Commission, vs. Lightyear Communications, Respondent: The staff reported that a stipulation was being drafted for the Commission's consideration. The hearing previously scheduled for July 17, 2003, was continued to a date later to be determined.

C-2910 In the Matter of Lincoln Electric System, Lincoln, seeking contract carrier permit authority: An oral argument was scheduled for August 5, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln, on the Motion for Stay of Proceedings filed by Nebraska Telecommunications Association and Nebraska Cable Communications Association.

C-2932 In the Matter of NPCR, Inc., d/b/a Nextel Partners, Eden Prairie, Minnesota, seeking designation as an eligible telecommunications carrier that may receive universal service support: Upon agreement of all Commissioners, an order was entered granting the motion to admit nonresident attorney Philip Schenkenberg.

C-2962 In the Matter of X2Comm, Inc., d/b/a DC Communications, Flemington, New Jersey, seeking authority to operate as an interexchange carrier of telecommunications services within the state of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-2963 In the Matter of Yak Communications (America), Inc., Ontario, Canada, seeking authority for a Certificate of Public Convenience and Necessity to provide resold interexchange telecommunications services in the state of Nebraska: Upon agreement of all Commissioners, the application was granted.

C-2964 In the Matter of Level 3 Communications, Broomfield, Colorado, seeking approval of an amendment to a wireline interconnection agreement with ALLTEL Nebraska, Inc., previously approved in Application C-2745, for the state of Nebraska: Upon agreement of all Commissioners, the amendment was approved.

FC-1296 In the Matter of Cox Nebraska Telcom, L.L.C., Omaha, and
FC-1297 Illuminet, Olympia, Washington, vs. Qwest Communications, Inc., Omaha, alleging violations of state law and policy, as well as tariff obligations; and Alltel Nebraska, Inc. and ALLTEL Communications of Nebraska, Inc., Complainant, vs. Qwest Corporation, Respondent, requesting a review of Qwest's Common Channel Switched Access Capability Signaling rate elements as set forth in Qwest's Access Service Catalog: Gene Hand provided the Commissioners with a copy of a letter dated July 15, 2003, which addresses issues that led to the suspension of the effective date for Qwest's proposed CLSAC tariff. Upon agreement of all Commissioners, the tariff will be allowed to take effect.

COMMUNICATIONS DEPARTMENT (Cont.)

C-2925 In the Matter of the Petition for Declaratory Ruling of Lincoln Electric System, Lincoln, seeking a determination that Title 291, Chapter 5, Telecommunications Rules and Regulations, Sections 001, 002 and 003, as amended and enacted March 31, 2003, governing telecommunications contract carriers, shall not be applied retro-actively to the application of Lincoln Electric System for Contract Carrier Permit Authority (Application C-2910) filed March 27, 2003: An Oral Argument on the petition for Rulemaking or, in the alternative, Initiation of a Commission Investigative Proceeding filed by Nebraska Telecommunications Association and Nebraska Cable Communications Association was scheduled for August 5, 2003, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

Gene Hand distributed copies of the Telephone Numbering Resource Utilization Report released by the Federal Communications Commission.

Gene Hand distributed copies of a July 11, 2003, letter from CTIA President/CEO Thomas E. Wheeler to John B. Moleta, Chief, Wireless Telecommunications Bureau, Federal Communications Commission, wherein CTIA seeks guidance on certain local number portability implementation issues.

Gene Hand provided the Commissioners with a copy of a press release announcing the schedule for the Triennial Review Workshop scheduled for July 27, 2003, in conjunction with the NARUC Summer Meetings in Denver, Colorado.

Gene Hand provided the Commissioners with a copy of S. 1380 introduced by Senator Gordon Smith from Oregon, identified as the "Rural Universal Service Equity Act of 2003," which is considered the companion bill to Representative Terry's Universal Service Fund Proposal HR 1582.

Engineering Department

E-2007 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County: Upon agreement of all Commissioners, the application was granted.

E-2008 In the Matter of Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain electric transmission lines in Lancaster County: Upon agreement of all Commissioners, the application was granted.

UNIVERSAL SERVICE FUND

NUSF-37.1: In the Matter of Jeffrey Pursley, Director, Universal Service Fund, Complainant, vs. Telebeep Wireless, Norfolk: Jeff Pursley discussed the letter received from Telebeep Wireless on July 11, 2003, regarding late NUSF payments. Upon agreement of all Commissioners, the late handling fee and penalty were waived.

NUSF-37.2: In the Matter of Jeffrey Pursley, Director, Universal Service Fund, Complainant, vs. Continental Paging, Omaha: Jeff Pursley discussed Continental Paging's answer to the complaint.

C-2919/ In the Matter of Allo Communications, LLC requesting universal service support for supported services provided in west exchanges: A hearing was scheduled for August 12, 2003 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

Jeff Pursley informed the Commission that ALLTEL's Data Request response would be filed one day late on July 16, 2003.

Jeff Pursley informed the Commission that Keystone-Arthur had filed their 2002 EARN Form.

Anne Boyle discussed NARUC's resolution regarding the Federal USF Program.

E911 DEPARTMENT

WSP-010 In the Matter of Pinpoint Wireless, Cambridge, seeking approval of funding request of enhanced wireless 911 service: Upon agreement of all Commissioners, the application was granted.

Kara Thielen discussed the following matters and concerns:

Sprint PCS pANI issue.

Advisory Board terms and dates of expiration.

Wireless carrier cost recovery fees.

NATURAL GAS AND WATER DEPARTMENT

Upon agreement of all Commissioners present, Aquila, Inc., d/b/a Aquila Networks Motion for Protective Order in Gas Supply Adjustment Schedules -- Aquila's Rate Areas One, Two and Three filed on July 9, 2003 will be addressed at the next scheduled meeting.

NATURAL GAS AND WATER DEPARTMENT (Cont.)

Upon agreement of all Commissioners present, Aquila, Inc., d/b/a Aquila Networks Gas Supply Cost Adjustment (GCA) Schedule Filing Waiver of 30-day Notice and Publication Request for Monthly GCA Filings for Aquila's Rate Area One, Aquila's Rate Area Two and Aquila's Rate Area Three Filed on July 9, 2003, will be addressed through the application process.

TRANSPORTATION DEPARTMENT

B-1611 In the Matter of Angel Vazquez, dba El Aguila Transportation, Lexington, seeking authority as a common carrier of passengers in open class service between points in Lexington over regular routes and between points in Lexington and points within a 40 mile radius of Lexington over irregular routes by van. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners, the application was granted.

B-1614 In the Matter of Corn Belt Travel, Inc., dba First Place Travel/Bye Bye Now Limousine, Sioux City, Iowa, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by limousine between points in South Sioux City, Nebraska, and between points in South Sioux City and points within a 100-mile radius of South Sioux City by sedans, luxury or stretch limousines over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners, the application was granted as amended.

B-1624 In the Matter of Windstar Lines, Inc., Carroll, Iowa, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of passengers by bus in charter service between all points in Nebraska over irregular routes. RESTRICTION: The transportation of railroad train crews and their baggage is not authorized: Upon agreement of all Commissioners, the application was granted.

Commissioner Landis left the Commission Hearing Room.

Rate Division

LR-242 In the Matter of Richard J. Behrends, dba C R Limousine, Broken Bow, seeking authority to establish limousine rates for its use: Upon agreement of all Commissioners present, the application was granted on an emergency basis.

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-E: The fuel surcharge was retained at 14 cents and the taxi surcharge at 20 cents per trip.

TRANSPORTATION DEPARTMENT (Cont.)

Commissioner Landis re-entered the Commission Hearing Room.

John Schmidt presented a report on motor transportation complaints.

John Schmidt discussed case progression and planning conferences.

GRAIN WAREHOUSE DEPARTMENT

In the Matter of Schedule A and Schedule E Rates and Charges: A hearing was scheduled for August 26, 2003 at 1:30 p.m. in the Commission Hearing Room, Lincoln.

The following shortages were discussed:

GW-1112 Corn at Osmond Farm Supply Center, Inc., Osmond
GW-2007 Corn at Vering's Feed Service, Inc., Howells
GW-2112 Wheat at James Nejezchleb dba DeWeese Agri Services,
Deweese.

GW-820 In the Matter of Nationwide Mutual Insurance Company seeking
 cancellation of its Continuous Public Grain Warehouse
Bond No. 138559 in the amount of \$48,400.00, issued on behalf of Non-
pariel Grain Company, Hemingford: Application was granted effective
July 10, 2003.

GW-2079 In the Matter of Tri State Insurance Company of Minnesota
 seeking cancellation of its Continuous Public Grain Ware-
house Bond No. 702 in the amount of \$25,000.00, issued on behalf of
Custer Feed Products, Inc., Sargent: Application was granted effec-
tive July 11, 2003.

GW-2139 In the Matter of Employers Mutual Casualty Company seeking
 cancellation of its Continuous Public Grain Warehouse Bond
No. S221787 in the amount of \$332,400.00, issued on behalf of Cedar
Valley Ag Services, LLC, Cedar Rapids and Primrose: Application was
granted effective July 9, 2003.

Grain Dealer Division

GD-1339 In the Matter of St. Paul Fire and Marine Insurance Com-
 pany seeking cancellation of its Continuous Public Grain
Warehouse Bond No. 400ST5164 in the amount of \$35,000.00, issued on
behalf of Wright-Lorenz Grain Co., Inc., Overland Park, Kansas:
Application was granted effective July 9, 2003.

GENERAL ADMINISTRATION

The Commission approved the following invoices:

DAS - Materiel	\$ 454.23
DAS - Risk Management	6,964.20
CDW-G	1,140.00
Commerical Computer Systems, Inc.	555.50
IBM	666.00
Tyler Frost	442.50

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Sherard's Hearing Aid Center	\$ 128.50
R & J Enterprises	1,013.56
Associated Hearing Health Care	141.00
Carl A. Johnson	165.95
Professional Hearing-Aid Services	1,262.00

The meeting adjourned at 11:21 a.m. with Commissioners Boyle, Lowell Johnson, Rod Johnson, Landis and Vap present. The next regularly scheduled meeting will be held on July 22, 2003, at 9:00 a.m. with an agenda to be available in the office of the Executive Director at 9:00 a.m. on July 21, 2003.

Chair

Executive Director